

Application No.: 10/534,441
Art Unit: 1796

Amendment under 37 CFR §1.114
Attorney Docket No.: 052483

REMARKS

Upon entry of this amendment, claims 4-16 and 19-23 are pending. Claims 2 and 3 have been cancelled. Claims 4, 16, and 22 have been amended. Claim 23 has been added herein. Support for the amendments and new claim is at least found at page 48, line 14 to page 58, line 5 of the specification.

Applicants' Response to the Claim Rejections under 35 U.S.C. §102

Claims 2-4, 7-10, 13-16 and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Singh et al. (WO 99/05204).

Applicants respectfully submit that Singh does not anticipate the present invention as claimed for at least the reason that Singh does not teach each and every feature of the claimed invention either expressly or inherently.

Specifically, Singh at least fails to disclose tri-iso-butyl phosphate as a vapour reducing agent. Tri-iso-phosphate is used as a vapor pressure reducing agent in the Examples, specifically, Example 2 of the present specification. See page 48, line 14 to page 58, line 5. As is clear from the results of the Examples, the use of tri-iso-butyl phosphate achieves excellent effects. As set forth in parent claims 4, 16 and 22, Formula (1) is tri-iso-butyl phosphate.

Singh discloses on page 11, lines 20 to 21, that tributyl phosphate is one of the suitable phosphates as a flame retardant. As noted on page 3, lines 5 to 6, of the Final Office Action

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dated May 28, 2008, tributyl phosphate is also known as tri-n-butyl phosphate. Therefore, tri-iso-butyl phosphate is not disclosed by Singh.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103

Claims 5, 6, 11-12 and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Singh et al. (WO 99/05204) as applied to their respective parent claims 4, 10 and 16 detailed above, and further in view of Wicks (U.S. 5,977,196).

Applicants respectfully submit that by addressing the rejection to the parent claims as detailed above likewise the rejections of these claims are addressed by nature of their dependency.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

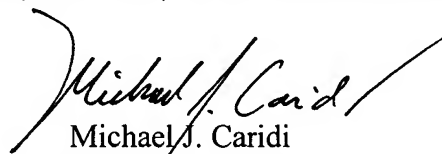
Application No.: 10/534,441
Art Unit: 1796

Amendment under 37 CFR §1.114
Attorney Docket No.: 052483

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Michael J. Caridi", with a large, sweeping flourish extending from the end of the signature.

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MJC/rer